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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,299	08/14/2001	Edward M. Goldsmith	266/247	8357

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EXAMINER

GRAHAM, MARK S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,299

Applicant(s)

GOLDSMITH ET AL. *MF*

Examiner

Mark S. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilacqua.

Ilacqua's regions 72 or 74 meet the limitations of the claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 17-21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malmberg in view of Meumann. Malmberg discloses the claimed structure with the exception of the detachable feature of the blade. However, as disclosed by Meumann it is known in the art to provide hockey stick blades as detachable blades. It would have been obvious to one of ordinary skill in the art to have done the same with Malmberg's blade to allow for replacement thereof.

Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malberg in view of Christian et al. (Christian). Malmberg discloses the claimed structure with the exception of the detachable feature of the blade and its fiber layers. However, as disclosed by Christian it is known in the art to provide hockey stick blades as detachable blades with fiber reinforcement. It would have been obvious to one of ordinary skill in

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the art to have done the same with Malmberg's blade to allow for replacement thereof and to make the blade stronger.

Claim 1, 2, 17-21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meumann in view of Malmberg. Meumann discloses the claimed structure with the exception of the concave area of the blade. However, as disclosed by Malmberg it is known in the art to provide a weakened area at what would be the upper portion of Meumann's detachable blade. It would have been obvious to one of ordinary skill in the art to have done the same with at the upper portion of Meumann's blade to allow for flexibility at that location.

Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian in view of Malberg. Christian discloses the claimed structure with the exception of the concave area of the blade. However, as disclosed by Malmberg it is known in the art to provide a weakened area at what would be the upper portion of Christian's detachable blade. It would have been obvious to one of ordinary skill in the art to have done the same with at the upper portion of Christian's blade to allow for flexibility at that location.

Based on the above rejections applicant's first relevant argument is argument "B" on page 5 of the remarks. In response to applicant's comments the examiner notes that it is true that Ilacqua does not address the bending stiffness of his blade shank in the region in question. However it is inherent that when material is removed from an area of stress such that there is less resistance than there otherwise would be that area will be more prone to bend and thus will be an area of "reduced longitudinal bending stiffness" as required by the claims. The fact that the indentations are offset does not change this

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analysis. Applicant freely admits this at the bottom of page 5 and the top of claim 6 supporting the examiner's position.

Applicant's next relevant argument is argument III on page 16 of the remarks. In response to the argument presented therein the applicant's analysis is simply incorrect. The claims require that an outermost portion of the "blade" be concave in the area in question. Malmberg in view of Meumann clearly shows this feature. The fact that Malmberg also discloses a reinforcement for placing over the blade is irrelevant to the structure which is being claimed and which is disclosed by the prior art.

In further response to applicant's remarks regarding Malmberg's reinforcement member and the existence of shafts without such reinforcement note Malmberg's first full paragraph in the translation. The passage cited by the applicant at page 2 only further indicates that the weakened section of the shaft already exists prior to the reinforcement being added.

As to the location of the weakened area, while Malmberg designates it as the lower end of the shaft it is evidently clear that the location coincides with what would be the upper end of the blade on a hockey stick such as Meumann's because it is intended that the area directly above the horizontal portion of the blade is that which should be weakened.

With regard to applicant's final argument Malmberg clearly shows the continuous curved transition in Fig. 3.

Applicant's arguments filed 11/29/02 have been fully considered but they are not persuasive.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
2/11/03



Mark S. Graham
Primary Examiner
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